

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

May 18, 2023

Pinnacle Consulting/Sun State Towers
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

Project # PR-2022-007935
SI-2023-00650- Waiver- Wireless
Telecommunications Facility (WTF)

LEGAL DESCRIPTION:

Pinnacle Consulting, agent for Sun State Towers, requests a Waiver-Wireless Telecommunications Facility, of the Landscaping and Screening requirements for free-standing WTFs in IDO 14-16-4-3(E)(12)(f), for all or a portion of Parcel C-1, plat of Parcel C-1 Lands of Kirtland Federal Credit Union, located at the southwestern corner of the intersection of Louisiana Blvd. SE and Gibson Blvd. SE, approximately 4 acres (M-18-Z)
Staff Planner: Catalina Lehner

On May 18, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007935/ SI-2023-00650- Waiver- Wireless Telecommunications Facility (WTF), based on the following Findings and subject to the following Conditions of Approval:

FINDINGS

1. This request is for a Waiver- Wireless Telecommunications Facility (WTF) [IDO 14-16-6-6(Q)] for a portion of Parcel C-1, plat of Parcel C-1 Lands of Kirtland Federal Credit Union, an approximately 4-acre site located at the SW corner of the intersection of Gibson Blvd. SE and Louisiana Blvd. SE (6440 Gibson Blvd. SE, the "subject site"). A credit union occupies the subject site.
2. The request would allow an exception to the WTF regulations, IDO §14-16-4-3(E)(12)(f), which require that new, free-standing WTFs include vegetation planted and maintained to screen ground equipment facilities from public view, as shown on a landscaping plan.
3. A future, free-standing WTF is proposed on a landscaping island in the subject site's back parking lot. A free-standing WTF consists of a stand-alone support structure, antennas, and associated equipment.
4. The subject site is zoned MX-L. A free-standing WTF is a permissive use in the MX-L zone.
5. The applicant states that they cannot fully meet the landscaping requirement because of space limitations and the size of the desired lease area.
6. In the City of Albuquerque, wireless review is an administrative process. The application for the future, proposed WTF is not included with the request for a Waiver-WTF.

7. The subject site is in an Area of Change. It is not in a designated Activity Center, but is along the Louisiana Blvd. SE Major Transit Corridor.
8. The Comprehensive Plan, the Integrated Development Ordinance (IDO), and the Federal Telecommunications Act are incorporated herein by reference and made part of the record for all purposes.
9. The request is generally consistent with the following Comprehensive Plan Goal and policy from Chapter 5- Land Use:
 - A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is in a developed area served by existing infrastructure that would be able to support future development of a WTF, which would generally contribute to the efficient use of land to support the public good.
 - B. Policy 5.6.2- Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The subject site is located in an Area of Change, where growth and development are generally desired. Though not in a designated Activity Center, the subject site is located along Louisiana Blvd. SE, which is a designated Major Transit Corridor where more intense development is encouraged. A WTF is considered a type of industrial land use, and industrial land uses are generally more appropriate to develop in Areas of change rather in Areas of Change than in Areas of Consistency.
10. The request is generally consistent with the following Comprehensive Plan policy from Chapter 7 – Urban Design:

Policy 7.6.3 – Utility Infrastructure: Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhoods and communities and protects significant natural and cultural features.
11. The request is generally consistent with the following Comprehensive Plan policy from Chapter 12- Infrastructure, Community Facilities, and Services:

Policy 12.1.7- Communication Systems: Support widespread and affordable access to high-quality communication systems in order to maximize flexibility for prospective customers, businesses, and industry.

A WTF is defined to include all of the components that comprise the WTF- including landscaping, which is required for free-standing WTFs. The proposed, future WTF would help support more widespread access to the cellular communication system for customers, businesses, and industry, although it's unknown how affordable it would be.
12. The placement and sizing of the 1,055-foot lease area as shown in the exhibit allows standard-sized (6 foot) landscaping buffers on the north and south sides, a 5-foot buffer on the western side, and a buffer of 2 feet, 3 inches on the eastern side. The dumpster encroaches into the parking lot island.

13. The WTF Waiver adequately meets all of the following criteria [IDO 14-16-6-6(Q)(3)(a), Criterion F does not apply].

A. It is in the best interest of the community as a whole.

The waiver would help facilitate development of a future wireless site dependent upon the 1,055-sf lease area shown. Providing additional wireless service is generally in the interest of the community, although service provision can be achieved without a waiver of landscaping requirements. Most wireless sites accommodate one or two carriers; three is relatively rare. Any future WTF would be required to comply with the WTF regulations, which are intended to balance the need for wireless service with providing wireless sites by the least intrusive means possible.

B. It will expedite the approval of an antenna, tower, or tower alternative.

The waiver may help expedite the approval of an antenna, tower, or tower alternative after it returns to the administrative review process. However, a time savings could have resulted if the landscaping requirements were met and a waiver not pursued.

C. It will not jeopardize public health, safety, and welfare.

The proposed waiver would not jeopardize the public health, safety, and welfare. The waiver does not propose to vary from the requirement for an enclosure wall, but seeks to allow provision of less landscaping than required. The landscaping serves an aesthetic and integration function, and is not directly related to the safety of the future antennas and equipment.

D. It will ameliorate either the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas.

Albuquerque's wireless regulations prefer collocation over construction of new towers; applicants for free-standing WTFs must explain why they believe they cannot collocate. There is no requirement for multiple carriers on the same tower; collocation often depends upon private agreements and the third spot is rarely taken because of its relatively low antenna centerline. Two carriers on one tower are a collocation by definition.

The landscaping island would be able to accommodate the 1,055-sf lease area and the landscaping (win-win situation) if the dumpster is shifted or relocated, and/or some parking spaces are utilized, and/or the equipment is separated from the tower.

E. It will better serve the stated purposes of the City's telecommunications regulations.

The WTF regulations encourage collocation and provided bonuses to collocate on existing facilities, such as not having to conceal antennas if it's a PNM pole or an existing, non-concealed (and non-conforming) tower. Most collocations are approved by the Zoning front counter.

The proposed, future monopole WTF would encourage collocation by offering two collocation spots (three spots total) to carriers who would lease the spots from the tower owner. This type of WTF could develop on the subject site without waiving the landscaping requirement, and financial considerations are not a part of the waiver criteria.

- F. It will not allow the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.

The waiver would not affect the height of a future, proposed WTF. Note that a Waiver-WTF cannot be used to increase allowable height.

14. The EPC has considered the following facts as required by IDO 14-16-6-6(Q)(3), Waiver-WTF:

- A. The height of the proposed tower.

The proposed waiver would not affect the height of the future, proposed WTF.

- B. The proximity of the tower antenna to any Residential zone district or a dwelling in any other zone district.

The antennas of the proposed, future WTF would be located on the monopole, which is proposed in a parking lot island. The WTF is proposed approximately 125 feet from the adjacent residential zone, R-1C; the antennas on the pole would be approximately 145 feet from it. The required minimum setback of 100 feet would be met.

- C. The nature of uses on adjacent and nearby properties.

The subject site is adjacent to single-family homes to the south and west, and small commercial uses to the west and north. East, across Louisiana Blvd. SE, is Kirtland AFB (vacant land), and northeast is Veteran's Memorial Park.

- D. The surrounding topography.

The surrounding topography is mostly relatively flat. No significant topographical features are near the subject site.

- E. The surrounding vegetation and foliage.

The subject site has landscaping. Four relatively tall, established pine trees are located at the subject site's NE corner, near the intersection and would provide good contextual concealment for a future WTF. There are also established trees near the subject site's western side, perhaps to buffer residences, in what appears to be a drainage area. Though these trees appear to be drought-stricken, they could also help provide contextual concealment for future WTF equipment.

The trees in the parking lot island are about 10 feet tall and one is proposed to be removed (and replaced). The landscaping beds on the entrance from Louisiana St. SE, nearest the parking lot island, lack vegetation. The subject site would benefit from providing landscaping in these beds.

- F. The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness.

Pursuant to the WTF regulations, concealment of free-standing WTFs is required by design and by context [IDO 14-16-4-3(E)(12)(c)]. The proposed, future WTF is designed as a 65-foot-tall deciduous tree located near the middle of a parking lot. There are no established, tall deciduous trees nearby. However, the design of the future, proposed facility is not a subject of the waiver, which is requested for relief of the landscaping requirements.

G. The proposed ingress and egress.

The ingress and egress used to access the future, proposed WTF is located approximately in the middle of the subject site, from Louisiana Blvd. SE. Staff suggests that the landscaping beds on both sides of the access drive be landscaped.

H. The availability of suitable existing towers or other structures.

The applicant has stated that there are no other suitable towers that it can collocate upon in the area. There are PNM poles across Louisiana Blvd. SE from the subject site that could potentially be used. Another structure is the building on the subject site; roof-mounted antennas concealed by a false parapet could get an antenna centerline of about 40 feet, which is higher than the third collocation spot (which the applicant expects another carrier to want and does not want itself). Building-mounted WTFs can be a viable solution, although it usually depends upon the property owner's willingness to consider it.

15. A multi-carrier, free-standing WTF could develop on the subject site and/or on nearby properties without a waiver of the landscaping requirements. However, the applicant (tower company) and the property owner have their preferred alternative (a 1,055-sf lease area) and it does not meet the landscaping requirements as presented.
16. The following adjustments would make it possible to meet the landscaping requirement and support deployment of a future WTF on the subject site:
 - A. Shift the location of the eastern enclosure wall by 3 feet, 9 inches to the west, which would shift the lease area westward to create more space on the parking lot island, and increase the landscape buffer from 5 feet to 6 feet on the western side.
 - B. Relocate the existing dumpster, thereby freeing up approximately 8 feet of space.
 - C. Separate the equipment from the base of the tower. The lease area on the parking lot island could be a lot smaller and landscaping buffers could be provided. The equipment could be located elsewhere on the site, either where some parking spaces are or in a corner. Another lease area would be needed; this has been done before. Many macro-sites have more than one lease area.
17. The 1996 site development plan shows 190 parking spaces. Under the former Zoning Code, parking for office uses was 1 space/200 sf. The sf is listed as 27,806. $27,806/200=139$ required parking spaces. $190-139= 51$ excess parking spaces. A row of parking spaces is adjacent to the parking lot island where the future WTF is proposed. Using 5 or 6 six parking lot spaces would allow the landscaping requirement to be met and increase the area available for additional, future wireless equipment.
18. The future, proposed WTF is required to comply with all relevant requirements of the WTF Regulations.
19. With conditions, the waiver adequately fulfills the Waiver-WTF criteria in IDO 14-16-6-6(Q).
20. The Siesta Hills Neighborhood Association (NA), the Elder Homestead NA, the Trumbull Village NA, the District 6 Coalition, and property owners within 100 feet of the subject site were notified as required. A facilitated meeting was not requested. As of this writing, Staff has not been contacted.

CONDITIONS

1. The applicant shall coordinate with the Planning Department Director's designee (the "wireless Designee"), who is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. Landscaping (such as vines) shall be provided in the eastern landscaping buffer area.
3. The proposed enclosure area shall be shifted left to by two feet, so that the existing refuse enclosure wall can be utilized as part of the future enclosure and the space between the enclosure wall and future wall is eliminated.
4. The applicant shall add landscaping to the beds on both sides of the access drive from Louisiana Blvd. SE. This landscaping shall be irrigated.
5. The landscaping plan for the future, proposed WTF shall be revised to incorporate the waiver as granted by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 2, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL

CC: Graham Chapman, Pinnacle Consulting, graham.chapman@pinnacleco.net
Sun State Towers, graham.chapman@pinnacleco.net
Siesta Hills NA, Rachel Baca, siesta2napres@gmail.com
Elder Homestead NA, M. Ryan Kious, mrkious@aol.com

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Elder Homestead NA, Sandra Perea, sp-wonderwoman@comcast.net

Trumbull Village Association, Alyce Ice, alyceice@gmail.com

Trumbull Village Association, Joanne Landry, landry54@msn.com

District 6 Coalition of Neighborhood Associations, Mandy Warr, mandy@theremedydayspa.com

District 6 Coalition of Neighborhood Associations, Patricia Willson, info@willsonstudio.com

Legal, dking@cabq.gov

EPC File